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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/612,429 | 07/02/2003 | Qiong Liu | FXPL-01064US0 | 6567 |

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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

| EXAMINER | |
|---|---|
| MONIKANG, GEORGE C | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2615 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/612,429 | LIU ET AL. | |
| | Examiner | Art Unit | |
| | George C. Monikang | 2615 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *07 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) *2-4,10,11,15 and 16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-9,12-14 and 17-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/28/2004, 1/2/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 5-9, 12-14, 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng, US Patent 6,774,939 B1, in view of Frederick, US Patent 5,757,424. (The Frederick reference is cited in IDS filed 5/28/2004)

Re Claim 1, Peng discloses a method for managing audio devices located at a live event during the live event (*abstract*), comprising: capturing content of the live event at a first location (*abstract*), receiving a selection of a first group of pixels (*fig. 2: 50*), the selection made by a user (*fig. 2: 44*), the first group of pixels within the content (*fig. 2: 50; col. 6, lines 11-18*); selecting the audio device at the first location associated with the first group of pixels (*abstract; fig. 2: 50-50b; col.6. lines 11-18*); and providing audio from the selected audio device to the user (*abstract*); but fails to disclose the content being a video content (*Frederick, abstract*) the video content having pixels associated with a plurality of the audio devices located at the first location (*Frederick, fig. 1; col. 3, lines 46-55*); providing the video content of the live event captured at the first location to a user at a second location (*Frederick, abstract*). However, Frederick does.

Taking the combined teachings of Peng and Frederick as a whole, one skilled in the art would have found it obvious to modify the a method for managing audio devices located at a live event during the live event (*abstract*), comprising: capturing video content of the live event at a first location (*abstract*), receiving a selection of a first group of pixels (*fig. 2: 50*), the selection made by a user (*fig. 2: 44*), the first group of pixels

within the video content (*fig. 2: 50; col. 6, lines 11-18*); selecting the audio device at the first location associated with the first group of pixels (*abstract; fig. 2: 50-50b; col.6. lines 11-18*); and providing audio from the selected audio device to the user (*abstract*) of Peng with the video content having pixels associated with a plurality of the audio devices located at the first location (*Frederick, fig. 1; col. 3, lines 46-55*); providing the video content of the live event captured at the first location to a user at a second location (*Frederick, abstract*) as taught in Frederick to be able to edit the video before being broadcasted.

Re Claim 5, the combined teachings of Peng and Frederick disclose the method of claim 1 wherein selecting the plurality of audio devices includes: selecting a plurality of audio devices at the first location associated with the first group of pixels (*Frederick, fig. 1; col. 3, lines 46-55*); comparing parameters for each audio device (*Frederick, fig. 1; col. 3, lines 46-55*); and selecting one of the plurality of audio devices (*Frederick, fig. 1; col. 3, lines 46-55*).

Re Claim 6, which further recites, "Wherein the parameters include signal to noise ratio." Peng and Frederick do not explicitly disclose a signal to noise ratio as claimed. Official notice is taken that both the concepts and advantages of providing a signal to noise ratio are well known in the art. It would have been obvious to use a signal to noise ratio since it is commonly used to identify the amount of background noise interference in a sound signal as a means to select the audio devices.

Re Claim 7, the combined teachings of Peng and Frederick disclose the method of claim 1 wherein selecting the audio device includes: determining that no audio device

is associated with the selected first group of pixels (*Frederick, fig. 1; col. 3, lines 46-55*); determining an alternative audio device to operate as the audio device associated with the selected first group of pixels (*Frederick, fig. 1; col. 3, lines 46-55*), the alternative audio device configured to capture audio associated with selection of the first group of pixels (*Frederick, fig. 1; col. 3, lines 46-55*).

Re Claim 8, the combined teachings of Peng and Frederick disclose the method of claim 1 wherein providing audio includes: providing 2-way audio between the user and a second user, the user located at a remote location and the second user located at a first location associated with the video content (*Frederick, abstract: video communication with remote location can include audio* ).

Re Claim 9, the combined teachings of Peng and Frederick disclose the method of claim 1, further comprising: automatically selecting a second group of pixels (*Frederick, fig. 1; col. 3, lines 46-55*), the second group of pixels associated with a second weight and selected as a result of detecting motion in the video content (*Frederick, fig. 1; col. 3, lines 46-55*), the first group of pixels associated with a first weight (*Frederick, fig. 1; col. 3, lines 46-55: the audio associated with the camera being controlled is the audio being broadcasted*), wherein providing audio includes: providing audio from the audio device associated with the group of pixels associated with the highest weight (*Frederick, fig. 1; col. 3, lines 46-55: the audio associated with the camera being controlled is the audio being broadcasted*).

Claim 12 has been analyzed and rejected according to claim 1.

Re Claim 13, the combined teachings of Peng and Frederick disclose the interface tool of claim 12, wherein the audio is captured at the remote location (*Frederick, abstract: when the video is captured, accompanied audio is also captured*).

Claim 14 has been analyzed and rejected according to claim 1.

Claim 17 have been analyzed and rejected according to claim 6.

Claims 18 has been analyzed and rejected according to claim 7.

Claim 19 has been analyzed and rejected according to claim 9.

Re Claim 20, the combined teachings of Peng and Frederick disclose the method of claim 1, wherein selecting the audio device includes: automatically selecting one of the plurality of audio devices based on the first group of pixels (*Frederick, fig. 1; col. 3, lines 46-55*).

Claim 21 has been analyzed and rejected according to claims 1 & 6.

Claim 22 has been analyzed and rejected according to claim 8.

## Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Monikang whose telephone number is 571-270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Monikang/ 3/13/2008
Examiner, Art Unit 2615

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615